IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3338 OF 1985

Eicher Demm.
a unit of Eicher Motors Ltd. ..Plaintiffs

Vs.

Western Enterprises and Ors. ..Defendants

Mr.Rahul Kapur i/b Kanga and Co. for the plaintiffs

None for the defendants

CORAM : S.U.KAMDAR, J
DATED : 24TH FEBRUARY, 2006

P.C.:

1. The present suit is filed for a sum of Rs.6,30,969.48 comprising of principal amount of Rs.5,28,098/- and interest amount of Rs.1,02,871.48. The said claim arises out of goods sold and delivered under various invoices being dt.26.3.82 to 17.9.82. Plaintiffs have also tendered delivery challans in respect thereof. There was no payment and therefore, notice was issued to the defendants. Even after issuing the notice since payment was not forthcoming, the present suit has been filed.

2. In the meantime, the erstwhile plaintiffs company, Ramon and Demm. Ltd merged under the BIFR Scheme with the present plaintiff company namely Eicher Motors Ltd. By the amendment plaintiffs have bene brought on record. Defendants have filed no written statement. Thus, thee is no defence. Even the amended plaint has been served on the defendants. Affidavit of Service dt.21.2.06 is filed and the same is taken on record.

3. In the light of the aforesaid position, there shall be decree in favour of the plaintiff and against the defendants for a sum of Rs.6,30,969.48 with further interest on the principal amount of Rs.4,07,857/- @ 12% p.a. from the date of the suit till payment and/or realisation. Suit disposed of. Refund of court fee as per rules.